

1882-003
Lee Co.

Chancery Causes: James F. Jones vs. John M. Crabtree &c

CA-Debt

To the Hon. John A. Kelly Judge of the Circuit
Court of Lee County Virginia

Your Orator James F. Jones a citizen of Lee
County Virginia humbly complaining would
respectfully show unto your Honor that one John
M. Crabtree is justly indebted and owing him
the sum of \$100.62 with legal interest thereon
from the 14th day of February 1855 till paid
and no part thereof has ever been paid by him
but the whole of the same is now due and owing
to your Orator. to show which your Orator
will here state that the said John M. Crabtree, on the
4th day of September 1856 executed and delivered
to your orator his bond or deed in writing under
seal, and herewith filed marked A as a part of this
bill by which he acknowledged himself to owe
to your Orator said sum of \$100.62 with interest
as aforesaid, on account of an over payment made
by your Orator to him on the 14th day of Feb. 1855.

Your Orator further states that very soon after
the execution of said bond to him, the said John
M. Crabtree removed from this state to the state of
Texas where he has continued to reside and is
now a non resident of the state of Virginia but
your Orator here charges that he is ^{now} the owner
of real estate lying in Lee County Va. and that
he has also personal estate due him in this
county of \$75.15¹/₂ which is liable to be applied to
your Orator's said debt as he is advised and believes.

to show which your Orator will here state, that said John M. Crabtree married Caroline Jones a sister of your Orator, and a daughter of Mary Jones dead, by whom he had two sons, Edward M. & Charles F. Crabtree. The said Caroline Crabtree departed this life the day of 187 leaving said two sons her only heirs at law. And afterward, on the day of 187. The said Edward M. Crabtree likewise departed this life intestate unmarried and without issue, so that by the law of Virginia the said John M. Crabtree became the sole heir at law of the said Edward M. Crabtree deceased and as such is entitled to one moiety of the real and personal estate which would have descended to the said Caroline Crabtree had she lived from the estate of Mary Jones dead.

Your Orator further states that the said Mary Jones after the death of her husband acquired by purchase some real estate in Lee county and died the owner thereof. One ninth part whereof of about acres descended to the said Edward M. & Charles F. Crabtree and by the death of the former, one half thereof descended to said John M. Crabtree, which land lies in Lee & Wise Counties, Va. and is undivided, and is now in the possession of your Orator. Your Orator further states, that by the proceedings had in certain chancery causes lately decided in your Honor's court that it was there ascertained and determined, that your Orator

as the administrator of the said Mary Jones died
lead in his hands as such, and was indebted to
the heirs of said Caroline Corabtree deceased in
the sum of \$150.31. with interest thereon from the
day of 187 till paid, one half
thereof your Orator charges and alleges is now
due and owing by him as such adm. to the
said John M. Corabtree.

Your Orator will here state that he has been
informed, that said John M. Corabtree has undertaken
and pretended to convey and assign to his son
living son, ^{who is also a non-resident of this state.} the said Charles F. Corabtree, the real
and personal estate herein referred to. But your
Orator charges that if there be such pretended
conveyance and assignment, that the same is
absolutely void for want of consideration, the same
having been made voluntarily, and ^{without} any consider-
ation whatever, and made, if made at all, with
the view to hinder delay and defraud ^{the} creditors
of said John M. Corabtree of whom your Orator is one.

Now the object of this Suit is to enforce the payment
of the debt first herein referred to, and to subject to
the payment thereof the real and personal estate
herein set out, and by your Orator being without
an adequate remedy at law and relievable
in a court of equity, and to attain these ends

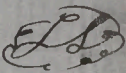
Your Orator prays your Honor to take Cognizance
of his cause, by making the said John M. and
Charles F. Corabtree defendants to this bill, and requiring

turn to answer the several allegations ^{thereof} fully and
explicitly ^{on oath} that upon a hearing of the cause ^{you}
decree be rendered in favor of your Orator ^{against John M. Kerstner} for
said Sum of \$100.62 with legal interest thereon
from the 14th day of Feb. 1855 till paid and the
costs of this suit, and to satisfy and discharge
the same, that the real estate herein referred
to be decreed to be sold. That your Orator as
adm^r of Mary Jones decd. be decreed and allowed
to retain in his own hands One half of said
sum of \$150.31. That a foreign attachment be issued
in this cause attaching said real and personal
estate to hold the same subject to your Honors
future order, and that an order of publication
be made posted and published against the
defendants John M. and Charles F. Kerstner.

And if your Orator is in any wise mistaken
in the relief prayed for, then he prays for such
relief as his cause merits and such as a court of
equity will grant him, and for all general and
Special relief May the Commonwealth writ
of Subpoena issue directed &c.

Ayers + Minsun for
Plff

I owe James F. Jones One hundred Dollars and
sixtytwo cents, with legal interest thereon from
the 14th day of February 1855 till paid, on account
of an over payment he made to me on the said
14th day of February 1855. Witness my hand and
seal this 4 day of September 1856.

John H. Crabtree 

J M Crabtree
to note

due of 101.62

(A)

Cor. Lbr 5 5.93
 atts 15.00
 Pr 5.00
 Aud pt 6 2.02
 27.95

James F. Jones

Bill-Lby & F. Attachment

John M & Co F. Corattres
 1880 July Bill Filed in O. P.
 " Aug O. P. - Amittor set
 for hearing by Pltff.
 1881 Mr. Bond
 1881 Aug Decree & Court d.
 1882 March Continued
 " Aug Decree final

1898

Cor. Lbr
 atts
 Pr
 Aud pt
 27.95

29
 1

James F. Jones.

Plff.

vs.

John M. Corbitt et al Defts

} In Chy

This cause came on again to be finally heard in the papers formerly read. and the further report of Special Comr. H. J. Morgan showing the execution and acknowledgment of a deed for record conveying to the purchaser of the land heretofore sold in this cause, and was argued by counsel, and the said report being accepted to and said deed being seen & inspected by the court, on consideration thereof it is adjudged ordered and decreed that said report and deed be and the same are confirmed, and the clerk of this will deliver to the clerk of Lee County Court the said deed, and no further action in the cause being necessary the same is stricken from the docket.

James F. Jones

vs. { Decem 183 final

John M. Condit et al

Entered Page 274.

J. Als Hyatt
Clerk

Enter
J. A. K.
Sept 6/82

James F. Jones Peff
vs. } In Chancery
John M. Corbtree & al Defts }

This cause came on this day to be again further heard on the papers formerly read. And the report of Special Com. H. J. Morgan showing a Sale of the land heretofore decreed to be sold, dated June 20 and filed in the cause 15th August 1882 and was argued by counsel. And said report being seen and inspected by the court, and being unaccepted to, and filed the time required by law. On consideration thereof it is adjudged ordered and decreed that the said report of sale be and the same is hereby confirmed.

And it appearing by said report that James F. Jones jr the purchaser of the land sold in the cause had fully paid the purchase money. It is further adjudged ordered and decreed that Henry J. Morgan who is appointed a commissioner for the purpose do convey with covenant of Special warranty to James F. Jones jr One undivided moiety of the land which descended to the two heirs of Caroline Corbtree decd. the moiety to be so conveyed being that which descended to Edward M. Corbtree and from him to the defendant John M. Corbtree. Said Com. will report his action under this decree to the court, and until the coming in thereof the cause is continued.

James F. Jones

as } Deane No. 2

John M. Crabtree & Co

Entered P. 263.

J. A. Hyatt
Clerk

Enter

J. A. K.

Sept. 2/82

James F. Jones Peff
vs. } In Lohy
John M. & C. F. Crabtree Defts }

This cause came on this day to be heard on the Peffs bill and exhibits therewith taken as confessed by the defendants and was argued by counsel. On consideration thereof it is adjudged ordered and decreed that the Peff recover against the debt John M. Crabtree \$100.62 with legal interest thereon from the 14th day of February 1855 till paid and the costs of this suit, And it appearing from the allegations of the Peffs bill that the real and personal estate therein mentioned and described which has been attached by order of foreign attachment issued in the cause is liable to be applied to the payment of the debt above decreed the plaintiff, It is therefore further adjudged ordered and decreed that the Peff be allowed to retain in his own hands one moiety of the sum owing by him as admr. of Mary Jones decd. to the heirs of Caroline Crabtree decd the same having descended to said John M. Crabtree and the real estate in the plaintiffs bill mentioned having so descended, it like moiety thereof is ordered to be sold on a credit of 6 and 12 months with interest from the day of sale or so much thereof as may be necessary to

residue of
 pay^d debt interest and cost^s ^{after applying the sum in plf's hands as found} except a sum sufficient to pay
 the costs of suit and sale will be required to be paid in hand
 and Henry J. Morgan is appointed a Special Commissioner
 to make said sale who will before doing so advertise the
 time terms and place of sale 30 days prior thereto by posting
 notices thereof for that purpose one in the neighbourhood
 of where the land lies and one at the court house door of
 Lee County and at the latter place said sale to be made
 on some court day and said com^r will report his action
 to the court. But the Plff in order to entitle himself to the
 benefit of this decree is required to execute bond with
 good security in the penalty of \$300.00 before the clerk of
 this court with curation to perform such future orders
 as may be made upon the appearance of the defendants
 and their making defence, and the cause is continued

Geo F. Jones

as { Decree No. 1

J. M. Coratton

Continued Page 208-9

J. A. L. Hyatt

clerk

Enter this

J. A. L. Hyatt

Aug. 25/81

Jas F. Jones

with affection

Jm + C. F. Kerabtree

James F. Jones. Off

vs.

John M. Corbitt et al Defts.

In Chancery

To the Hon. John A. Kelly Judge of the Circuit Court of Lee County Virginia.

The undersigned Special Commissioner in the above styled cause begs leave to report, that having advertised the land in the bill & proceedings mentioned for sale, as directed by a decree entered in said cause on the 25th day of August 1881. I proceeded on the 20th day of June 1882 that being court day, at the front door of the Court House of Lee County to sell to the highest bidder at public outcry on the terms prescribed by said decree, the undivided half of the land in the bill and said decree mentioned when James F. Jones Jr. offered therefor the sum of Twenty dollars, and that being the only and best offer, the same was knocked down to him at that price. The land thus sold lies in Lee & Wise counties - the greater part however in Lee, and consists of one half of one ninth part of the land owned in fee by Mary Jones at the time of her death, and is undivided. In fact it is not known where said one ninth is located but it is conceded that it is somewhere mixed up with the lands once owned by Stephen Jones dead. The lands bought by the widow & heirs of said Jones of Salmon Callier.

It is said to lie in several detached portions of one two three four or five acres in a place, and will have to be carved out of sundry interests and pieces purchased

by said Mary Jones jointly with a number of the heirs
of Stephen Jones decd. if the same is ever ascertained
and located with certainty

Other interests of a like character and quantity have
been valued by others at \$175.00 or \$180.00 a half interest
therefore valued by that standard ought to be worth one
half those sums. And to judge of this sale by that
standard, it follows as a matter of course, that this
one half of one ninth brought less than one fourth its value

Owing to the expense that will necessarily have to be
incurred in having a new division of the lands among
the heirs of Mary Jones decd. with but few if any solvent
parties to look to for costs, or a part thereof. I am inclined
to think, that the price of Twenty dollars is about as much
as the same is likely to bring. I see no chance or prospect
of selling it for more ~~than~~ ~~at~~ ~~that~~ ~~price~~

Mr Jones the purchaser having paid the 20th which
is less than the costs of suit. If this sale is confirmed
he will be entitled to a conveyance of the land purchased

Respectfully Submitted

Henry J. Morgan Spec. Comr.

June 20th 1882

James F. Jones

vs. } Cant. Report of Sale Ind
}

John M. Crabtree & al

Filed August 15/1882

J. A. G. Hyatt
Clerk

James F. Jones Plff
vs.
John M. Crabtree & al Defts } In Chy

To the Hon John A Kelly Judge of the Circuit
Court of Lee County Va

Pursuant to your decree entered in this cause on
the 4th day of Sept^r 1882 the undersigned Special
commissioner begs leave to report that he has made
and acknowledged for record a deed conveying
to Jas. F. Jones Jr the purchaser, the one half of the
land in the bill and proceedings mentioned, which
deed so made is filed herewith as a part of this
report. Marked (A-B)

Respectfully Submitted

Henry J. Morgan Special Com^r

James F. Jones

vs { Cont. Report of deed

John M. Crabtree et al

Filed Aug. Term 1882,

J. A. Hyatt
Clerk

Virginia:

At Rules held in the Clerk's Office of the Circuit
Court of Lee County on Monday the 5th day of
July 1880.

James F. Jones, ----- Plff.

vs.

In Chancery.

John M. & C. F. Crabtree, ----- Defs.

The object of this suit is to enforce the payment of the
debt in the bill mentioned due the Plaintiff from defend-
ant John M. Crabtree, and to subject to the payment
thereof the real and personal estate set out in the bill,
And it appearing from an affidavit filed in the Cause
that John M. Crabtree & C. F. Crabtree are non-residents
of the state of Virginia, it is ordered that they appear
here within one month after due publication of this
order, and do what is necessary to protect their inter-
ests in this suit.

A Copy.

Teste - F. R. Stickley D.C.

I, hereby Certify that on the 1st day of Aug. Term
of the County Court for Lee County I posted at
the front door of the Court House of said Coun-
ty a Copy of the above notice. Given under
my hand this Aug 20th 1880.

F. R. Stickley D.C.

James F. Jones.

vs { Order Publication

Q3

J. M. & C. H. Crabtree

Copy to the Lee County
Sentinel July 5th 1880.

F. R. Stickley D.C.

36
50
15
36
20
20
15
202

Notice

James H. Jones Plf.
vs }
John M. Robertson Dft. } In Chancery

Pursuant to a decree entered in this cause on the 26th day of August 1881 by the Circuit Court of Sec. County, Kentucky, do hereby give notice to all persons that on the first day of the next County Court of Sec. County 1882 to sell the premises hereby to the highest bidder, the undivided one half of the land in the pit and proceeds hereof and the same being one half of the land in the same place, James H. Jones, decd. to Edward M. Robertson & John said Edward M. to said John M. Robertson. This land lies in the Turkey Cove and is rich, productive land.

At this sale no more cash or will, but the sale is suit and sale will be required to be paid in cash as to the balance a credit of 6 months the time will begin with interest from day of sale and with approved security given for the required payments.

Very respectfully,
J. H. Jones, Jr.
Sept 10th 1881

1070
140
1210

120
20
140

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING,

We Command you to Summon

John M. Crabtree & Charles F. Crabtree,

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in
next, being rule, to answer a bill in Chancery, exhibited in our said Court against *them*

July
by

James F. Jones,

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *25* day
of *June* 1880, in the 104th year of the Commonwealth.

J. A. Stickley D.

Clerk.

The proper affidavit having been filed,
the Officer Executing this writ is or-
dered to attach one half of the land
which descended to the heirs of Caroline
Crabtree as the land of Defendant John M.
Crabtree, and to attach the debt owing by
the Plaintiff to John M. Crabtree, and such Estate
in ~~John's~~ hands so attached to secure and so pro-
vide that the same may be forthcoming & liable
to the future order of the Court.

J. R. Stickley D. Clerk.

Geo. F. Jones,
of Spawville.
John M. Crabtree
et al.
July Rules 1850.

Attn.

Spit Executed
the up at Stickley
now resident
of this State. He
is miles off.
for J. R. Stickley
I have executed the
order of attachment by
levying on the land
in said order mention-
ed & attaching the
debt due to John M. Crabtree
the Plaintiff.
To Defendant Crabtree.
J. R. Stickley D.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING,

We Command you to Summon

*John M. Crabtree, & Charles
F. Crabtree,*

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in
next, being rule, to answer a bill in Chancery, exhibited in our said Court against *them*

by

James F. Jones,

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *25* day

of *June* 1880, in the 104th year of the Commonwealth.

A Copy. Lost - F. R. Stickley D., Clerk.
F. R. Stickley D. C.

For
John M. Crabtree

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING,

We Command you to Summon,

*John M. Corabtree, & Charles
F. Corabtree,*

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in
next, being rule, to answer a bill in Chancery, exhibited in our said Court against *them*

July
by

James F. Jones,

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *25* day
of *June* 1880, in the 104th year of the Commonwealth.

A Copy *F. R. Stickley D.* Clerk.
Teste - F. R. Stickley D. C.

For
Charles F. Crattree.

VIRGINIA: At rules held in the clerk's
office of the Circuit court of Lee coun-
ty on Monday the 5th day of July, 1880.
JAMES F. JONES, Plaintiff.

vs.

JOHN M. & C. F. CRABTREE, Defendants.
IN CHANCERY.

The object of this suit is to enforce the
payment of the debt in the bill mentioned
due the plaintiff from the defendant, John
M. Crabtree, and to subject to the pay-
ment thereof the real and personal estate
which is set out in the bill; and it appear-
ing from an affidavit filed in the cause that
John M Crabtree and C F Crabtree are
non-residents of the State of Virginia, it
is ordered that they appear here within
one month after due publication of this
order and do what is necessary to protect
their interests in this suit. A copy--Teste,
july 7th F. R. STICKLEY, D. C.

1880.

James F. Jones, Esq.

Dr.

To Charles Willoughby -

July 7th For printing the annexes by order & under. \$5.00

Recd. Payt. Rev James F. Jones.
Charles Willoughby

Recd of H. Morgan Esq. in the cause
of J. F. Jones vs. J. M. Coates & al. five dollars
payment in full of the within order of
Publication, the same having been heretofore
paid by me to Wallingly July 18/80

J. F. Jones

J. F. Jones
To my dear friend
Charles Wallingly.

175-

VIRGINIA: At rules held in the clerk's
Office of the Circuit court of Lee county
on Monday the 5th day of July, 1880.
JAMES F. JONES, Plaintiff.

vs.

JOHN M. & C. F. CRABTREE, Defendants.
IN CHANCERY.

The object of this suit is to enforce the payment of the debt in the bill mentioned due the plaintiff from the defendant, John M. Crabtree, and to subject to the payment thereof the real and personal estate which is set out in the bill; and it appearing from an affidavit filed in the cause that John M Crabtree and C F Crabtree are non-residents of the State of Virginia, it is ordered that they appear here within one month after due publication of this order and do what is necessary to protect their interests in this suit. A copy—Teste,

july 74t

F. R. STICKLEY, D. C.

1880

I blushed with shame and hid my face from him afterward at the table, being him refuse a little fellow one peach.

SUBSCRIPTION, \$1.50. ADVERTISING RATES, MODERATE.

THE SENTINEL,

CHARLES WILLOUGHBY, Owner & Editor.

Jonesville, Va., _____ 1880.

I, Charles Willoughby, Publisher of the "Sentinel",
weekly newspaper printed at Jonesville, Va. hereby certify
that the annexed bill ^{was printed} order, for successive issues,
beginning July 7, 1880, in the said "Sentinel"
Charles Willoughby Pub.

James F. Jones.

15. 3. Patro.

J. M. C. F. Crockett.
